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EXAMINER

COULTER, KENNETH R

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/751,424

Applicant(s)

ZHU ET AL.

Examiner

Kenneth R. Coulter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/6/05 (RCE filed).  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 19-30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/6/05.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.



## DETAILED ACTION

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 19 – 30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19 - 32 of copending Application No. 09/751,548. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following mapping detailed below.

Claim 19 of the present Application maps directly to a more narrow claim 19 of 09/751,548.

Claims 20 – 25 map exactly to claims 20 – 25, respectively of 09/751,548.

Claim 26 maps closely to claim 19 and/or combined claims 27 - 30 of 09/751,548.

Claims 27 – 30 map closely to claims 20 - 23, respectively of 09/751,548.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

2. Claims 19 – 30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19 - 34 of copending Application No. 09/751,806. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following mapping detailed below.

Claim 19 of the present Application maps directly to a more narrow claim 19 of 09/751,806.

Claims 20 – 25 map closely to claims 20 – 25, respectively of 09/751,806.

Claim 26 maps closely to claim 19 and/or combined claims 28 – 31 of 09/751,806.

Claims 27 – 30 map closely to claims 20 – 23 of 09/751,806.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 19 – 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Quatrano et al. (U.S Pat. No. 6,748,420) (Methods and Apparatus for Providing Shared Access to an Application).

4.1 Regarding claim 19, Quatrano discloses a distributed system for collaborative computing comprising:

a web zone for allowing a plurality of client computers to access the distributed system via a global-area network, the web zone having at least one web server (Fig. 3; Abstract);

a meeting zone for supporting an on-line conference among the plurality of client computers, the meeting zone having a meeting manager, a plurality of collaboration servers, and a plurality of application servers (Figs. 3, 8, 9; col. 18, lines 7 – 15; col. 29, line 66 – col. 30, line 46), wherein:

the meeting manager is operable to manage the on-line conference in the meeting zone (Abstract “shared session **owner**”; col. 27, lines 34 – 43 “collaboration adapter systems **administrator**”; col. 18, lines 7 – 15; col. 29, line 66 – col. 30, line 46);

each collaboration server is operable to host at least a portion of the on-line conference (Abstract; Fig. 8; col. 29, line 66 – col. 30, line 20 “an e-commerce Web site 25 having multiple network locations 25-1 through 25-M (i.e., a distributed, national or international e-commerce web site) uses a load director 28 to **distribute participant HTTP sessions 112, 114 across multiple web servers 30-1, 30-P.**”); and

each application server is operable to support at least one service for the on-line conference (Fig. 9; col. 30, lines 22 - 35).

4.2 Per claim 20, Quatrano teaches that each collaboration server and each application server comprises a respective logical server (Figs. 8, 9; col. 29, line 66 – col. 30, line 7 “distribute participant HTTP sessions 112, 114 **across multiple web servers**”; col. 30, lines 22 - 35).

4.3 Regarding claim 21, Quatrano discloses that the meeting zone comprises a process manager for monitoring each logical server (Fig. 9; col. 30, lines 22 - 35).

4.4 Per claim 22, Quatrano teaches that the meeting zone comprises a zone manager for supporting communication among the logical servers (col. 18, lines 7 - 15).

4.5 Regarding claim 23, Quatrano discloses that the meeting manager is operable to maintain status information for the meeting zone (col. 16, lines 8 - 31).

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4.6 Per claim 24, Quatrano teaches that the at least one service for the on-line conference comprises one of document viewing, file sharing, video, VOIP, telephony, polling, chat, and application sharing (Abstract "application").

4.7 Regarding claim 25, Quatrano discloses that the meeting manager is operable to manage all the collaboration servers and the application servers in the meeting zone (Figs. 8, 9; col. 29, line 66 – col. 30, line 47).

4.8 Per claims 26 – 30, the rejection of claims 19 – 25 under 35 USC 102(e) (paragraphs 4.1 – 4.7) applies fully.

5. Claims 19 – 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart et al. (U.S. Pub. No. 2002/0010741) (Workflow Integration System for Enterprise Wide Electronic Collaboration).

5.1 Regarding claim 19, Stewart discloses a distributed system for collaborative computing comprising:

a web zone for allowing a plurality of client computers to access the distributed system via a global-area network, the web zone having at least one web server (Figs. 3, 5, 8);

a meeting zone for supporting an on-line conference among the plurality of client computers, the meeting zone having a meeting manager, a plurality of collaboration servers, and a plurality of application servers (Fig. 4, item 152 "Collaboration Space"; p. 7, paragraph 86 **"Each of these entities may have their own workflow servers and workflow processes that may interact with the manufacturer's workflow process."**), wherein:

the meeting manager is operable to manage the on-line conference in the meeting zone (Fig. 8, item 214; p. 7, paragraph 86);

each collaboration server is operable to host at least a portion of the on-line conference (Figs. 1, 3, 8; p. 7, paragraph 86); and

each application server is operable to support at least one service for the on-line conference (Figs. 1, 3, 8; p. 7, paragraph 86).

5.2 Per claim 20, Stewart teaches that each collaboration server and each application server comprises a respective logical server (Fig. 1; p. 7, paragraph 86).

5.3 Regarding claim 21, Stewart discloses that the meeting zone comprises a process manager for monitoring each logical server (Fig. 8, item 214; p. 7, paragraph 86).

5.4 Per claim 22, Stewart teaches that the meeting zone comprises a zone manager for supporting communication among the logical servers (Fig. 8).



5.5 Regarding claim 23, Stewart discloses that the meeting manager is operable to maintain status information for the meeting zone (Fig. 9; p. 9, paragraph 151 "The conversation manager is responsible for ... maintaining the status of the conversation").

5.6 Per claim 24, Stewart teaches that the at least one service for the on-line conference comprises one of document viewing, file sharing, video, VOIP, telephony, polling, chat, and application sharing (p. 8, paragraphs 131, 132; p. 9, paragraph 135).

5.7 Regarding claim 25, Stewart discloses that the meeting manager is operable to manage all the collaboration servers and the application servers in the meeting zone (Fig. 8, item 214).

5.8 Per claims 26 – 30, the rejection of claims 19 – 25 under 35 USC 102(e) (paragraphs 5.1 – 5.7) applies fully.

### ***Response to Arguments***

6. Applicant's arguments filed 1/6/05 have been fully considered but they are not persuasive.

The double patenting rejection with respect to U.S. Pat. No. 6,654,032 has been withdrawn.

Applicant states that “there is simply no description whatsoever in Quatrano et al. of any ‘zone’ – ‘web zone’, ‘meeting zone’, or otherwise. (response on 1/6/2005; p. 6, paragraph 4).

Examiner disagrees.

Art recognized equivalents are found throughout Quatrano (for example a “meeting zone” is equivalent to a conference).

Applicant states that “the Examiner generally cites broad portions of Quatrano et al. as disclosing the ‘meeting zone’, the ‘meeting manager’, the ‘collaboration server’, and the ‘application server’ of Claim 19, but does not point to any specific item of Quatrano et al. as being any of these claimed limitations.” (response on 1/6/2005; p. 6, paragraph 6)

Examiner disagrees.

Specific column and line numbers were cited in the rejection of claim 19 with respect to Quatrano.

Applicant states that “there is simply no description whatsoever in Quatrano et al. (Stewart et al. ?) of any ‘zone’ – ‘web zone’, ‘meeting zone’, or otherwise.” (response on 1/6/2005; p. 7, paragraph 6).

Examiner disagrees.

Art recognized equivalents are found throughout Stewart (for example a “meeting zone” is equivalent to a collaboration space (c-space)).

Applicant states that "in rejecting Claim 19, as being anticipated by Stewart et al., the Examiner does not point to specific items of Stewart et al. For each of the claimed 'meeting zone', 'meeting manager', collaboration server', and 'application server' of Claim 19." (response on 1/6/2005; p. 7, paragraph 7 and p. 8, paragraph 1).

Examiner disagrees.

Specific column and line numbers are cited in the rejection of claim 19 with respect to Stewart.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Butler (U.S. Pat. No. 6,584,493)

A multiparty conferencing and collaboration system wherein "multiple members of the conference may share an application, this per-host model allows **each of those members** who are sharing to **act like a miniature server** for the conference, **i.e. a host** of that shared application." (col. 4, lines 61 – 67).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER

PRIMARY EXAMINER



krc